

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHN DOE (said name being fictitious),

Plaintiff,

v.

DELAWARE VALLEY REGIONAL HIGH SCHOOL BOARD OF EDUCATION, SCOTT MCKINNEY, individually and in his official capacity as Superintendent of Schools, ASHLEY MIRANDA, individually and in her official capacity as school counselor, MATTHEW J. PLATKIN, in his official capacity as Attorney General of the State of New Jersey, ANGELICA ALLEN-McMILLAN, in her official capacity as Acting Commissioner of the New Jersey Department of Education, and JOHN ROES 1-10 (said names being fictitious), individually and in their official capacities,

Defendants.

Civil Number

**ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS.**

THIS MATTER having been brought before the Court by the plaintiff, through their counsel, Murray-Nolan Berutti LLC, by Order to Show Cause seeking temporary restraining order and preliminary injunction pursuant to *Federal Rule of Civil Procedure* 65 and *L. Civ. R.* 65. 1, and upon the Verified Complaint, Declaration of Ronald A. Berutti, and Memorandum of Law submitted herewith, and notice having been provided to Stacey Cherry, Esq. of Fogarty & Hara, Esqs., P.A., attorneys for the defendants Delaware Valley Regional High School Board of Education, Scott McKinney, and Ashley Miranda, and Matthew J. Platkin, Attorney General of the State of New Jersey, pursuant to *Fed. R. Civ. P.* 65(b)(1)(A)-(B), and the Court having determined that good and sufficient reasons exist to proceed by way of Order to Show Cause, including that the criteria of *Fed. R. Civ. P.* 65 and *L. Civ. R.* 65.1(a) for entry of an expedited Order to Show Cause with Temporary Restraints, including “a clear and specific showing” of exigency by sworn statement, and for good cause otherwise shown,

IT IS on this ____ day of January 2024,

ORDERED that defendants appear and Show Cause on the ____ day of _____, 2024, before the United States District Court for the District of New Jersey, Honorable _____, U.S.D.J., at the U.S. Courthouse, located at _____, New Jersey, at __ o'clock, in the ____ noon, or as soon as thereafter that counsel can be heard, why an Order should not be entered;

1. Preliminarily restraining and enjoining the Attorney General of New Jersey from enforcing the New Jersey Law Against Discrimination, *N.J.S.A. 10:5-1 et seq.* to the extent that it is intended to deprive parents of knowledge and consent with respect to any aspect of their children's upbringing including, without limitation, issues related to his child's mental health, welfare, and physical health, and social transitioning in particular;

2. Preliminarily restraining and enjoining the New Jersey Department of Education from providing guidance to school districts which would deprive parents of knowledge and consent with respect to any aspect of their children's upbringing including, without limitation, issues related to his child's mental health, welfare, and physical health, and social transitioning in particular;

3. Preliminarily restraining and enjoining the Delaware Valley Regional Board of Education ("Board"), and anyone acting under its authority, from enforcing Board policy 5756 and otherwise interfering acting to socially transition the plaintiff's daughter without his fully informed knowledge and consent;

4. Enjoining the Board from depriving the plaintiff's daughter, Jane Doe, said name being fictitious, from receiving mainstream classroom instruction which does not interfere with the rights of the plaintiff to direct the upbringing of his child including, without limitation, issues related to his child's mental health, welfare, and physical health, and social transitioning in

particular;

5. Awarding such other and further relief as may be equitable and just.

PENDING FURTHER HEARING ON THIS ORDER TO SHOW CAUSE, defendants be, and hereby are, **TEMPORARILY RESTRAINED AND ENJOINED** from taking any actions as follows:

1. As to the Attorney General: Enforcing the New Jersey Law Against Discrimination, *N.J.S.A. 10:5-1 et seq.* or any other state law to the extent that it may deprive parents of fully informed knowledge and consent with respect to any aspect of their children's education including, without limitation, issues related to his child's mental health, welfare, and physical health, and social transitioning in particular;

2. As to the Acting Commissioner of Education: Providing guidance to school districts in keeping with Policy 5756 or otherwise which would deprive parents of fully informed knowledge and consent with respect to any aspect of their children's education including, without limitation, issues related to a child's mental health, welfare, and physical health, and social transitioning in particular;

3. As to the Board and anyone acting under its authority: Enforcing Board policy 5756 and otherwise acting to socially transition the plaintiff's daughter without the plaintiff's fully informed knowledge and consent;

A copy of this Order to Show Cause, Verified Complaint with exhibits, supporting Declaration, and Memorandum of Law, submitted in support of this application, together with a Summons, shall be served upon defendants at the Offices of the Delaware Valley Regional High School Board of Education and its attorney, Stacey Cherry, Esq., of Fogarty & Hara Esqs, 21-00 Route 208 South, Fair Lawn, New Jersey 07410, via New Jersey Lawyer's Service or other generally recognized overnight courier, and to the Attorney General and Acting Commissioner of

Education electronically to NJAG.ElectronicService.CivilMatters@law.njoag.gov or other generally recognized overnight courier within _____ days hereof;

The plaintiff must file with the Court his Proof of Service of the pleadings on defendants no later than three (3) days before the return date.

Defendants shall file and serve a written response to this Order to Show Cause and proof of service on or before _____, 2024. Defendants must send a courtesy copy of your opposition papers to the plaintiff and to Judge _____, whose address is _____, New Jersey.

The plaintiff must file and serve any written reply papers to defendants' opposition to the Order to Show Cause on or before _____, 2024. A courtesy copy of the Reply papers must be sent directly to the chambers of Judge _____.

If defendants do not file and serve opposition to the Order to Show Cause, the application will be decided on the papers on the return date and relief will be granted by default, provided that the Plaintiff files proof of service and a proposed form of Order at least three days prior to the return date.

If the plaintiff has not already done so, a proposed form of Order addressing the relief sought on the return date, along with a self-addressed stamped envelope, with a return address and postage, must be submitted to the Court no later than three (3) days prior to the return date.

The Court will notify the parties whether it will entertain oral argument on the return date of the Order to Show Cause in accordance with Local Rule 78.1.

Dated: January , 2024.

Honorable _____, U.S.D.J.